

By: Barrientos

S.B. No. 1836

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Pflugerville Municipal Management District No. 1; providing authority to impose a tax and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3819 to read as follows:

CHAPTER 3819. PFLUGERVILLE MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3819.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "County" means Travis County.

(3) "District" means Pflugerville Municipal Management District No. 1.

(4) "Municipality" means the City of Pflugerville.

(5) "Utility" means a person that provides gas, electricity, telephone, sewage, or water service to the public.

Sec. 3819.002. PFLUGERVILLE MUNICIPAL MANAGEMENT DISTRICT NO. 1. (a) Pflugerville Municipal Management District No. 1 is created as a special district under Section 59, Article XVI, Texas Constitution.

(b) The board by resolution may change the district's name.

Sec. 3819.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of

1 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
2 Texas Constitution, and other public purposes stated in this
3 chapter. By creating the district and in authorizing the
4 municipality, county, and other political subdivisions to contract
5 with the district, the legislature has established a program to
6 accomplish the public purposes set out in Section 52-a, Article
7 III, Texas Constitution.

8 (b) The creation of the district is necessary to promote,
9 develop, encourage, and maintain employment, commerce,
10 transportation, housing, tourism, recreation, the arts,
11 entertainment, economic development, safety, and the public
12 welfare in the district.

13 (c) This chapter and the creation of the district may not be
14 interpreted to relieve the county or the municipality from
15 providing the level of services provided as of the effective date of
16 this chapter to the area in the district or to release the county or
17 the municipality from the obligations of each entity to provide
18 services to that area. The district is created to supplement and
19 not to supplant the municipal or county services provided in the
20 area in the district.

21 Sec. 3819.004. DISTRICT TERRITORY. (a) The district is
22 composed of the territory described by Section 2 of the Act creating
23 this chapter.

24 (b) The boundaries and field notes of the district contained
25 in Section 2 of the Act creating this chapter form a closure. A
26 mistake made in the field notes or in copying the field notes in the
27 legislative process does not affect the district's:

1 (1) organization, existence, or validity;

2 (2) right to issue any type of bond for the purposes
3 for which the district is created or to pay the principal of and
4 interest on a bond;

5 (3) right to impose or collect an assessment or taxes;
6 or

7 (4) legality or operation.

8 Sec. 3819.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

9 (a) The district is created to serve a public use and benefit.

10 (b) All land and other property included in the district
11 will benefit from the improvements and services to be provided by
12 the district under powers conferred by Sections 52 and 52-a,
13 Article III, and Section 59, Article XVI, Texas Constitution, and
14 other powers granted under this chapter.

15 (c) The creation of the district is in the public interest
16 and is essential to:

17 (1) further the public purposes of developing and
18 diversifying the economy of the state;

19 (2) eliminate unemployment and underemployment; and

20 (3) develop or expand transportation and commerce.

21 (d) The district will:

22 (1) promote the health, safety, and general welfare of
23 residents, employers, employees, visitors, and consumers in the
24 district, and of the public;

25 (2) provide needed funding to preserve, maintain, and
26 enhance the economic health and vitality of the area as a community
27 and business center; and

1 (3) promote the health, safety, welfare, and enjoyment
2 of the public by providing pedestrian ways and by landscaping and
3 developing certain areas in the district, which are necessary for
4 the restoration, preservation, and enhancement of scenic and
5 aesthetic beauty.

6 (e) Pedestrian ways along or across a street, whether at
7 grade or above or below the surface, and street lighting, street
8 landscaping, and street art objects are parts of and necessary
9 components of a street and are considered to be a street or road
10 improvement.

11 (f) The district may not act as the agent or instrumentality
12 of any private interest even though the district will benefit many
13 private interests as well as the public.

14 Sec. 3819.006. APPLICABILITY OF OTHER LAW. Except as
15 otherwise provided by this chapter, Chapter 375, Local Government
16 Code, applies to the district.

17 Sec. 3819.007. LIBERAL CONSTRUCTION OF CHAPTER. This
18 chapter shall be liberally construed in conformity with the
19 findings and purposes stated in this chapter.

20 [Sections 3819.008-3819.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 3819.051. BOARD OF DIRECTORS; TERMS; COMPENSATION.

23 (a) The district is governed by a board of 11 directors who serve
24 staggered four-year terms.

25 (b) A director shall receive compensation as provided by
26 Section 49.060, Water Code.

27 Sec. 3819.052. APPOINTMENT OF DIRECTORS. (a) The mayor

1 and members of the governing body of the municipality shall appoint
2 directors from among persons recommended by the board. A person is
3 appointed if a majority of the members and the mayor vote to appoint
4 the person.

5 (b) A person may not be appointed to the board if the
6 appointment of that person would result in fewer than two-thirds of
7 the directors being residents of the municipality.

8 Sec. 3819.053. EX OFFICIO DIRECTORS. (a) The following
9 persons serve as nonvoting ex officio directors:

10 (1) the directors of the parks and recreation,
11 planning and development, public works, and civic center
12 departments of the municipality;

13 (2) the municipality's chief of police;

14 (3) the general manager of the metropolitan transit
15 authority of the county; and

16 (4) the president of each institution of higher
17 learning located in the district.

18 (b) If a department described by Subsection (a) is
19 consolidated, renamed, or changed, the board may appoint a director
20 of the consolidated, renamed, or changed department as a nonvoting
21 ex officio director. If a department described by Subsection (a) is
22 abolished, the board may appoint a representative of another
23 department of the municipality that performs duties comparable to
24 those performed by the abolished department.

25 (c) The board may appoint the presiding officer of a
26 nonprofit corporation that is actively involved in activities in
27 the municipality's midtown area to serve as a nonvoting ex officio

1 director.

2 Sec. 3819.054. CONFLICTS OF INTEREST. (a) Except as
3 provided by this section:

4 (1) a director may participate in all board votes and
5 decisions; and

6 (2) Chapter 171, Local Government Code, governs
7 conflicts of interest of directors.

8 (b) Section 171.004, Local Government Code, does not apply
9 to the district. A director who has a substantial interest in a
10 business or charitable entity that will receive a pecuniary benefit
11 from a board action shall file an affidavit with the board secretary
12 declaring the interest. Another affidavit is not required if the
13 director's interest changes.

14 (c) After the affidavit is filed under Subsection (b), the
15 director may participate in a discussion or vote on that action if:

16 (1) a majority of the directors have a similar
17 interest in the same entity; or

18 (2) all other similar business or charitable entities
19 in the district will receive a similar pecuniary benefit.

20 (d) A director who is also an officer or employee of a public
21 entity may not participate in a discussion of or vote on a matter
22 regarding a contract with that public entity.

23 (e) For purposes of this section, a director has a
24 substantial interest in a charitable entity in the same manner that
25 a person would have a substantial interest in a business entity
26 under Section 171.002, Local Government Code.

27 Sec. 3819.055. INITIAL VOTING DIRECTORS. (a) The initial

1 board consists of the following voting directors:

2	<u>Pos. No.</u>	<u>Name of Board Member</u>
3	<u>1.</u>	<u>John Franklin</u>
4	<u>2.</u>	<u>_____</u>
5	<u>3.</u>	<u>_____</u>
6	<u>4.</u>	<u>_____</u>
7	<u>5.</u>	<u>_____</u>
8	<u>6.</u>	<u>_____</u>
9	<u>7.</u>	<u>_____</u>
10	<u>8.</u>	<u>_____</u>
11	<u>9.</u>	<u>_____</u>
12	<u>10.</u>	<u>_____</u> ; and
13	<u>11.</u>	<u>_____</u> .

14 (b) Of the initial voting directors, the terms of directors
15 appointed for positions 1 through 6 expire June 1, 2009, and the
16 terms of directors appointed for positions 7 through 11 expire
17 June 1, 2007.

18 (c) Section 3819.052 does not apply to the appointment of
19 initial voting directors under this section.

20 (d) This section expires September 1, 2009.

21 [Sections 3819.056-3819.100 reserved for expansion]

22 SUBCHAPTER C. POWERS AND DUTIES

23 Sec. 3819.101. DISTRICT POWERS. (a) The district may
24 exercise the powers given to:

25 (1) a corporation created under Section 4B,
26 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas
27 Civil Statutes);

1 (2) a housing finance corporation created under
2 Chapter 394, Local Government Code, to provide housing or
3 residential development projects in the district; and

4 (3) an eligible political subdivision under Chapter
5 221, Natural Resources Code.

6 (b) The district may exercise its powers in an area outside
7 the district if the board determines that exercising that power
8 benefits the district.

9 Sec. 3819.102. AGREEMENTS, DONATIONS, GRANTS, AND LOANS.

10 (a) The district may enter into an agreement with or accept a
11 donation, grant, or loan from any person.

12 (b) The implementation of a project is a governmental
13 function or service for purposes of Chapter 791, Government Code.

14 Sec. 3819.103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.

15 To protect the public interest, the district may contract with the
16 municipality or the county for the municipality or county to
17 provide law enforcement services in the district for a fee.

18 Sec. 3819.104. NONPROFIT CORPORATION. (a) The board by

19 resolution may authorize the creation of a nonprofit corporation to
20 assist and act for the district in implementing a project or
21 providing a service authorized by this chapter.

22 (b) The board shall appoint the board of directors of the
23 nonprofit corporation. The board of directors of the nonprofit
24 corporation shall serve in the same manner, for the same term, and
25 on the same conditions as the board of directors of a local
26 government corporation created under Chapter 431, Transportation
27 Code.

1 (c) The nonprofit corporation:

2 (1) has all the power of and is considered for purposes
3 of this chapter to be a local government corporation created under
4 Chapter 431, Transportation Code; and

5 (2) may implement any project and provide any service
6 authorized by this chapter.

7 Sec. 3819.105. ANNEXATION. In addition to the authority to
8 annex territory under Subchapter C, Chapter 375, Local Government
9 Code, the district has the authority to annex territory located in a
10 reinvestment zone created by the municipality under Chapter 311,
11 Tax Code, if the governing body of the municipality consents to the
12 annexation.

13 Sec. 3819.106. COMPETITIVE BIDDING. Section 375.221, Local
14 Government Code, does not apply to a district contract for \$25,000
15 or less.

16 [Sections 3819.107-3819.150 reserved for expansion]

17 SUBCHAPTER D. FINANCIAL PROVISIONS

18 Sec. 3819.151. ASSESSMENTS; LIENS FOR ASSESSMENTS.

19 (a) The board by resolution may impose and collect an assessment
20 for any purpose authorized by this chapter only if two-thirds of the
21 directors vote in favor of imposing the assessment.

22 (b) An assessment, a reassessment, or an assessment
23 resulting from an addition to or correction of the assessment roll
24 by the district, penalties and interest on an assessment or
25 reassessment, an expense of collection, and reasonable attorney's
26 fees incurred by the district:

27 (1) are a first and prior lien against the property

1 assessed;

2 (2) are superior to any other lien or claim other than
3 a lien or claim for county, school district, or municipal ad valorem
4 taxes; and

5 (3) are the personal liability of and charge against
6 the owners of the property even if the owners are not named in the
7 assessment proceeding.

8 (c) The lien is effective from the date of the board's
9 resolution imposing the assessment until the date the assessment is
10 paid. The board may enforce the lien in the same manner that the
11 board may enforce an ad valorem tax lien against real property.

12 Sec. 3819.152. PETITION REQUIRED FOR FINANCING SERVICES AND
13 IMPROVEMENTS. (a) The board may not finance a service or an
14 improvement project under this chapter unless a written petition
15 requesting that service or improvement is filed with the board.

16 (b) The petition must be signed by the owners of a majority
17 of the assessed value of real property in the district according to
18 the most recent certified tax appraisal roll for the county.

19 Sec. 3819.153. ELECTIONS REGARDING TAXES OR BONDS. (a) In
20 addition to the elections required under Subchapter L, Chapter 375,
21 Local Government Code, the district must hold an election in the
22 manner provided by that subchapter to obtain voter approval before
23 the district may:

24 (1) impose a maintenance tax; or

25 (2) issue a bond payable from ad valorem taxes or
26 assessments.

27 (b) The board may submit multiple purposes in a single

1 proposition at an election.

2 Sec. 3819.154. MAINTENANCE TAX. (a) The district may
3 impose an annual ad valorem tax on taxable property in the district
4 to maintain and operate the district and the improvements
5 constructed or acquired by the district or to provide a service only
6 if:

7 (1) two-thirds of the directors vote in favor of
8 imposing the tax; and

9 (2) the tax is authorized at an election held in
10 accordance with Section 3819.153.

11 (b) The board shall determine the tax rate.

12 Sec. 3819.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
13 ASSESSMENTS. The district may not impose an assessment or impact
14 fee on a utility's property.

15 Sec. 3819.156. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS.

16 (a) Except as provided by Subsection (b), the district must obtain
17 the approval of the municipality's governing body:

18 (1) for the issuance of a bond for an improvement
19 project;

20 (2) of the plans and specifications of an improvement
21 project financed by the bond; and

22 (3) of the plans and specifications of a district
23 improvement project related to the use of land owned by the
24 municipality, an easement granted by the municipality, or a
25 right-of-way of a street, road, or highway.

26 (b) If the district obtains the approval of the
27 municipality's governing body of a capital improvements budget for

1 a period not to exceed five years, the district may finance the
2 capital improvements and issue bonds specified in the budget
3 without further approval from the municipality.

4 Sec. 3819.157. MUNICIPALITY NOT OBLIGATED TO PAY DISTRICT
5 OBLIGATIONS. Except as provided by Section 375.263, Local
6 Government Code, a municipality is not obligated to pay a bond,
7 note, or other obligation of the district.

8 Sec. 3819.158. DISBURSEMENTS AND TRANSFERS OF MONEY. The
9 board by resolution shall establish the number of directors'
10 signatures and the procedure required for a disbursement or
11 transfer of the district's money.

12 [Sections 3819.159-3819.200 reserved for expansion]

13 SUBCHAPTER E. DISSOLUTION

14 Sec. 3819.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
15 DEBT. (a) The board may dissolve the district regardless of
16 whether the district has debt. Section 375.264, Local Government
17 Code, does not apply to the district.

18 (b) If the district has debt when it is dissolved, the
19 district shall remain in existence solely for the limited purpose
20 of discharging its debts. The dissolution is effective when all
21 debts have been discharged.

22 SECTION 2. The Pflugerville Municipal Management District
23 No. 1 includes all the territory contained in the following
24 described area:

25 TRACT 1:

26 FIELD NOTES describing 256.63 acres of land, being portions of the
27 John Davis Survey No. 13, Abstract No. 231 and the Sefrin Eiselin

1 Survey No. 4, Abstract No. 265, situated in Travis County, Texas,
2 and being a portion of that certain 535 acre tract of land conveyed
3 to Timmerman & Hagn, Ltd. by deed recorded in Volume 8394, Page 544
4 of the Deed Records of Travis County, Texas and a portion of that
5 certain 158.22 acre tract of land conveyed to Timmerman & Hagn, Ltd.
6 by deed recorded in Volume 8394, Page 544 of said Deed Records, and
7 being more particularly described by metes and bounds as follows;
8 BEGINNING at a point being the intersection of the east
9 right-of-way line of F.M. 685 and the south right-of-way line of
10 Pflugger Lane, for the northwest corner and POINT OF BEGINNING of the
11 hereinafter described 256.63 acre tract;
12 THENCE along said south right-of-way line, being the north line of
13 said 535 acre tract, S58°55'07"E, 2648.71 feet to a point in the
14 Pflugerville one-half (1/2) mile ETJ line, for the northeast corner
15 hereof;
16 THENCE departing said south right-of-way line, along said
17 Pflugerville one-half (1/2) mile ETJ line, for the east line
18 hereof, the following three (3) courses:
19 1.) S26°26'00"W, 2617.63 feet to a Point of Curvature hereof;
20 2.) along the arc of a curve to the right having elements of delta=
21 2°44'00", radius= 8419.58 feet, arc=401.66 feet, tangent= 200.87
22 feet, chord and chord bearings= 401.62 feet, S27°48'00"W to a Point
23 of Tangency hereof;
24 3.) S29°10'00"W, 1180.12 feet to a point in the north line of that
25 certain 71.67 acre tract of land conveyed to Lanier C. Bohls, et al,
26 by deed recorded in Volume 3951, Page 2106 of said Deed Records,
27 being the south line of said 158.22 acre tract, for the southeast

1 corner hereof;

2 THENCE along the north line of said 71.67 acre tract and the north
3 line of that certain 95.39 acre tract of land conveyed to Lillian
4 Thornton, et al, by deed recorded in Volume 4829, Page 737 of said
5 Deed Records, being the south line of said 158.22 acre tract, for
6 the south line hereof, N64°04'00"W, 2046.53 feet to a point in the
7 east right-of-way line of Gregg Lane, for the most southerly
8 southwest corner hereof;

9 THENCE, along east and north lines of said Gregg Lane, for west and
10 south lines hereof, the following three (3) courses:

- 11 1.) N19°30'00"E, 150.00 feet to an angle point hereof;
- 12 2.) N14°50'00"W, 393.33 feet to an angle point hereof;
- 13 3.) N58°15'00"W, 298.61 feet to a point in the east right-of-way
14 line of F.M. 685, for the most westerly southwest corner hereof;

15 THENCE along said east right-of-way line of F.M. 685, along a line
16 being 2640 feet west of and parallel to the east line herein
17 described, for the west line hereof, the following three (3)
18 courses:

- 19 1.) N29°10'00"E, 851.28 feet to a Point of Curvature hereof;
- 20 2.) along the arc of a curve to the left having elements of delta=
21 2°44'00", radius= 5779.58 feet, arc= 275.72 feet, tangent= 137.89
22 feet, chord and chord bearing= 275.69 feet, N27°48'00"E to a Point
23 of Tangency hereof;
- 24 3.) N26°26'00"E, 2832.27 feet to the POINT OF BEGINNING of the
25 herein described tract, containing 256.63 acres of land.

26 TRACT 2:

27 755.22 acres of land, being portions of the E. Kirkland Survey No.

1 7, Abstract No. 458; the Sefrin Eiselin Survey No. 4, Abstract No.
2 265; the J.P. Sherwood Survey and the Taylor S. Barnes Survey No.
3 46, Abstract No. 267, situated in Travis County, Texas, said 755.22
4 acres being more particularly described by metes and bounds as
5 Parcel "A" and Parcel "B", as follows:

6 Parcel "A"

7 BEING 458.89 acres of land, being portions of the E. Kirkland Survey
8 No. 7, Abstract No. 458; the Sefrin Eiselin Survey No. 4, Abstract
9 No. 265; the J.P. Sherwood Survey and the Taylor S. Barnes Survey
10 No. 46, Abstract No. 267, and being comprised and consisting of the
11 following five (5) tracts of land:

12 (1) all of that certain 50 acre tract conveyed to Timmerman & Hagn,
13 Ltd. by deed recorded in Volume 8394, Page 544 of the Deed Records
14 of Travis County, Texas;

15 (2) all of that certain 74.46 acre tract conveyed to Theo
16 Timmerman, et al, by deed recorded in Volume 2546, Page 393 of said
17 Deed Records;

18 (3) all of that certain 101.72 acre tract, being a portion of that
19 certain 296.72 acre tract conveyed to Timmerman & Hagn, Ltd. by deed
20 recorded in Volume 8394, Page 544 of said Deed Records;

21 (4) a portion of those two (2) certain 97.5 acre tracts, being a
22 portion of that certain 296.72 acre tract conveyed to Timmerman &
23 Hagn, Ltd. by deed recorded in Volume 8394, Page 544 of said Deed
24 Records;

25 (5) a portion of that certain 97.5 acre tract conveyed to Theodor
26 R. Timmerman by deed recorded in Volume 2470, Page 572 of said Deed
27 Records;

1 said 458.89 acres of land being more particularly described by
2 metes and bounds as follows:

3 BEGINNING at a point in the north right-of-way line of Pflugerville
4 Road, being the southeast corner of that certain 71.67 acre tract of
5 land conveyed to Lanier C. Bohls, et al, being the southwest corner
6 of said 50 acre tract, for the southwest corner and POINT OF
7 BEGINNING of the hereinafter described 458.89 acre Parcel "A";

8 THENCE along the east line of said 71.67 acre tract, being the west
9 line of said 50 acre tract, for the west line hereof, N23°40'00"E,
10 3628.06 feet to a point in the south line of that certain 158.22
11 acre tract conveyed to Timmerman & Hagn, Ltd. by deed recorded in
12 Volume 8394, Page 544 of said Deed Records, being the northeast
13 corner of said 71.67 acre tract and the northwest corner of said 50
14 acre tract, for the northwest corner hereof;

15 THENCE along the south line of said 158.22 acre tract, being the
16 north line of said 50 acre, said 74.46 acre and said 101.72 acre
17 tracts, for the north line hereof, S64°04'00"E, at a distance of
18 2818.61 feet pass the northeast corner of said 101.72 acre tract,
19 being the southeast corner of said 158.22 acre tract, and continue
20 across said three (3) 97.5 acre tracts, in all a total distance of
21 5386.16 feet to a point in the west line of that certain 70.31 acre
22 tract of land conveyed to Pflugerville 146 Joint Venture by deed
23 recorded in Volume 8795, Page 25 of said Deed Records, being the
24 east line of said 97.5 acre tract conveyed by said Volume 2470, Page
25 572, for the northeast corner hereof;

26 THENCE along the west line of said 70.31 acre tract, being an east
27 line of said 97.5 acre tract, for an east line hereof, S28°50'00"W,

1 1005.25 feet to a point in the north line of that certain 96.90 acre
2 tract of land conveyed to Edgar W. Smith by deed recorded in Volume
3 3708, Page 1363 of said Deed Records, being the southwest corner of
4 said 70.31 acre tract, also being an ell corner in the east line of
5 said 97.5 acre tract, for an ell corner hereof;

6 THENCE along the north line of said 96.90 acre tract, N61°05'00"W,
7 108.89 feet to a point being the northwest corner of said 96.90 acre
8 tract, also being an ell corner in the east line of said 97.5 acre
9 tract, for an ell corner hereof;

10 THENCE along the west line of said 96.90 acre tract, being an east
11 line of said 97.5 acre tract, for an east line hereof, S28°50'00"W,
12 3107.61 feet to a point in the centerline of said Pflugerville Road,
13 being the southeast corner of said 97.5 acre tract, for the
14 southeast corner hereof;

15 THENCE along said centerline, for a south line hereof, the
16 following four (4) courses:

17 (1) N66°00'00"W, 798.44 feet to an angle point hereof;
18 (2) N65°50'00"W, 490.83 feet to an angle point hereof;
19 (3) N53°05'00"W, 587.50 feet to an angle point hereof;
20 (4) N51°05'00"W, 600.00 feet to the southwest corner of a 97.5 acre
21 tract, for an angle point hereof;

22 THENCE along the west line of said 97.5 acre tract, N28°51'37"E,
23 15.52 feet to a point in the north right-of-way line of said
24 Pflugerville Road, being the southeast corner of said 101.72 acre
25 tract, for an angle point hereof;

26 THENCE along said north right-of-way line of Pflugerville Road, for
27 the south line hereof, the following three (3) courses:

- 1 (1) N51°26'00"W, 451.39 feet to an angle point hereof;
2 (6) N58°15'00"W, 911.11 feet to an angle point hereof;
3 (7) N60°45'00"W, 1131.67 feet to the POINT OF BEGINNING of the
4 herein described Parcel "A", containing 458.89 acres of land.

5 Parcel "B"

6 BEING 296.33 acres of land, being portions of the Sefrin Eiselin
7 Survey No. 4, Abstract No. 265 and the Taylor S. Barnes Survey No.
8 46, Abstract No. 267, and being comprised and consisting of the
9 following three (3) tracts of land:

10 (1) all of that certain 165.15 acre tract conveyed to Theo
11 Timmerman and Leah J. Hagn by deed recorded in Volume 9409, Page 144
12 of the Deed Records of Travis County, Texas;

13 (2) all of that certain 0.35 acre tract described in deed recorded
14 in Volume 9409, Page 144 of the Deed Records;

15 (3) all of that certain 130.81 acre tract conveyed to Theodor R.
16 Timmerman by deed recorded in Volume 857, Page 331 of said deed
17 records;

18 said 296.33 acres of land being more particularly described by
19 metes and bounds as follows:

20 BEGINNING FOR REFERENCE at a point in the north right-of-way line of
21 Pflugerville Road, being the southeast corner of that certain 71.67
22 acre tract of land conveyed to Lanier C. Bohls, et al, by deed
23 recorded in Volume 3951, Page 2106 of said Deed Records, being the
24 southwest corner of said 50 acre tract; thence along said north
25 right-of-way line, S60°45'00"E, 439.76 feet to a point; thence
26 crossing said right-of-way, S28°49'23"W, 61.37 feet to a point in
27 the south right-of-way line of said Pflugerville Road, being at or

1 near the northeast corner of that certain 17.316 acre tract of land
2 conveyed to Richard L. Matz, Trustee, by deed recorded in Volume
3 8911, Page 270 of said Deed Records, being the northwest corner of
4 said 130.81 acre tract, for the northwest corner and POINT OF
5 BEGINNING of the hereinafter described 296.33 acre Parcel "B";
6 THENCE along said south right-of-way line of Pflugerville Road, for
7 the north line hereof, the following nine (9) courses:
8 (1) S61°01'36"E, 753.89 feet to an angle point hereof;
9 (2) S58°48'36"E, 777.66 feet to a point in the west line of said
10 165.15 acre tract, being the northeast corner of said 1308.81 acre
11 tract, for an angle point hereof;
12 (3) along the west line of said 165.15 acre tract, N29°02'03"E,
13 2.19 feet to a point being the northwest corner of said 165.15 acre
14 tract, for a Point of Curvature hereof;
15 (4) along the arc of a curve to the right having elements of delta=
16 6°19'31", radius= 906.91 feet, arc= 100.12 feet, tangent= 50.11
17 feet, chord and chord bearing= 100.07 feet, S54°33'58"E to a Point
18 of Tangency hereof;
19 (5) S51°24'12"E, 1006.88 feet to a Point of Curvature hereof;
20 (6) along the arc of a curve to the left having elements of delta=
21 2°11'45", radius= 2895.88 feet, arc= 110.98 feet, tangent= 55.50
22 feet, chord and chord bearing= 110.98 feet, S52°30'05"E to a Point
23 of Tangency hereof;
24 (7) S53°35'57"E, 426.26 feet to a Point of Curvature hereof;
25 (8) along the arc of a curve to the left having elements of delta=
26 12°37'37", radius= 603.00 feet, arc= 132.89 feet, tangent= 66.72
27 feet, chord and chord bearing= 132.62 feet, S59°54'46"E to a Point

1 of Tangency hereof;

2 (9) S66°13'34"E, 519.14 feet to a point being the northwest corner
3 of that certain 75.29 acre tract of land conveyed to E.T. Timmerman
4 and E.T. Timmerman, Trustee, by deed recorded in Volume 9409, Page
5 144 of said Deed Records, being the northeast corner of said 165.15
6 acre tract, for the northeast corner hereof;

7 THENCE along the east line of said 75.29 acre tract, being the west
8 line of said 165.15 acre and said 0.35 acre tracts, for the east
9 line hereof, S29°30'13"W, at a distance of 3491.42 feet pass the
10 southeast corner of said 165.15 acre tract, being the southwest
11 corner of said 75.29 acre tract, and continue in all a total
12 distance of 3511.42 feet to a point in the north line of that
13 certain 157.69 acre tract conveyed to Thomas A. Goebel by deed
14 recorded in Volume 9818, Page 540 of said Deed Records, being the
15 southeast corner of said 0.35 acre tract and the southwest corner of
16 that certain 2.21 acre remainder of that certain 2.56 acre tract of
17 land conveyed to the City of Pflugerville by deed recorded in Volume
18 9236, Page 954 of said Deed Records, for the southeast corner
19 hereof;

20 THENCE along the north line of said 157.69 acre tract, being the
21 south line of said 0.35 acre tract, for a south line hereof, the
22 following two (2) courses:

23 (1) N60°55'16"W, 732.21 feet to an angle point hereof;

24 (2) N61°13'57"W, 32.78 feet to a point being the southeast corner
25 of that certain 19.00 acre tract of land conveyed to the City of
26 Pflugerville by deed recorded in Volume 9236, Page 954 of said Deed
27 Records, being the southwest corner of said 0.35 acre tract, for an

1 ell corner hereof;

2 THENCE along the east line of said 19.00 acre tract, being a west
3 line of said 0.35 acre and said 165.15 acre tracts, for an interior
4 line hereof, N29°00'13"E, at a distance of 20.00 feet pass the
5 northwest corner of said 0.35 acre tract, being a lower southwest
6 corner of said 165.15 acre tract, and continue in all a total
7 distance of 558.04 feet to a point being the northeast corner of
8 said 19.00 acre tract and an ell corner of said 165.15 acre tract,
9 for an ell corner hereof;

10 THENCE along the north line of said 19.00 acre tract, being a south
11 line of said 165.15 acre tract, for a south line hereof,
12 N60°59'47"W, 1476.23 feet to a point in the east line of said 130.81
13 acre tract, being the northwest corner of said 19.00 acre tract,
14 also being the southwest corner of said 165.15 acre tract, for an
15 ell corner hereof;

16 THENCE along the west line of said 19.00 acre tract, being an east
17 line of said 130.81 acre tract, for an interior line hereof,
18 S28°55'24"W, 560.00 feet to a point in the north line of that certain
19 238.00 acre tract of land conveyed to Carl Lisso by deed recorded in
20 Volume 588, Page 550 of said Deed Records, being the southwest
21 corner of said 19.00 acre tract and the southeast corner of said
22 130.81 acre tract, for an ell corner hereof;

23 THENCE along the north line of said 238.00 acre tract, being the
24 south line of said 130.81 acre tract, for a south line hereof, the
25 following four (4) courses:

26 (1) N57°22'36"W, 265.83 feet to an angle point hereof;

27 (2) N62°24'36"W, 386.94 feet to an angle point hereof;

1 (3) S28°58"24"W, 10.00 feet to an angle point hereof;

2 (4) N61°01'36"W, 870.28 feet to a point being an angle point in the
3 north line of said 238.00 acre tract, also being the southwest
4 corner of said 130.81 acre tract, for the southwest corner hereof;

5 THENCE along an east line of said 238.00 acre tract; the east line
6 of Gatlinburg-Section 5; the east line of Gatlinburg-Section Four,
7 as shown on a Plat of Record in Volume 83, Pages 131C-131D of the
8 Plat Records of Travis County, Texas; the east line of that certain
9 10.07 acre tract of land conveyed to the City of Pflugerville by
10 deed recorded in Volume 5674, Page 9 of said Deed Records; and the
11 east line of said 17.316 acre tract, being the west line of said
12 130.81 acre tract, for the west line hereof, N28°49'23"E, 3748.21
13 feet to the Point of Beginning of the herein described Parcel "B",
14 containing 296.33 acres of land.

15 TRACT 3:

16 699.38 acres of land, being portions of the George M. Martin Survey
17 No. 9, Abstract No. 529; the E. Kirkland Survey No. 7, Abstract No.
18 458; the Sefrin Eiselin Survey No. 4, Abstract No. 265; and the John
19 Davis Survey No. 13, Abstract No. 231, situated in Travis County,
20 Texas, said 699.38 acres being more particularly described by metes
21 and bounds as Parcel "A" and Parcel "B" as follows:

22 Parcel "A"

23 BEING 501.52 acres of land, being portions of the George M. Martin
24 Survey No. 9, Abstract No. 529; the E. Kirkland Survey No. 7,
25 Abstract No. 458; the Sefrin Eiselin Survey No. 4, Abstract No. 265;
26 and the John Davis Survey No. 13, Abstract No. 231, and being
27 comprised and consisting of the following four (4) tracts of land:

1 (1) a portion of that certain 535 acre tract conveyed to Timmerman
2 & Hagn, Ltd. by deed recorded in Volume 8394, Page 544 of the Deed
3 Records of Travis County, Texas;

4 (2) a portion of that certain 158.22 acre tract conveyed to
5 Timmerman & Hagn, Ltd. by deed recorded in Volume 8394, Page 544 of
6 said Deed Records;

7 (3) a portion of those two (2) certain 97.5 acre tracts, being a
8 portion of that certain 296.72 acre tract conveyed to Timmerman &
9 Hagn, Ltd. by deed recorded in Volume 8394, Page 544 of said Deed
10 Records;

11 (4) a portion of that certain 97.5 acre tract conveyed to Theodor
12 R. Timmerman by deed recorded in Volume 2470, Page 572 of said Deed
13 Records;

14 said 501.52 acres of land being more particularly described by
15 metes and bounds as follows;

16 BEGINNING FOR REFERENCE at a point being the intersection of the
17 east right-of-way line of F.M. 685 and the south right-of-way line
18 of Pfluger Lane; thence along said south right-of-way line, being
19 the north line of said 535 acre tract, S58°55'07"E, 2648.71 feet to a
20 point for the northwest corner and POINT OF BEGINNING of the
21 hereinafter described 501.52 acre Parcel "A";

22 THENCE continuing along said south right-of-way line, being the
23 north line of said 535 acre tract, for the north line hereof,
24 S58°55'07"E, 5616.61 feet to a point being at or near the northwest
25 corner of that certain 58.06 acre tract of land conveyed to
26 Remington Savings Association by deed recorded in Volume 9680, Page
27 744 of said Deed Records, being the northeast corner of said 535

1 acre tract, for the northeast corner hereof;
2 THENCE along the east line of said 535 acre tract, being the west
3 line of said 58.06 acre tract; the west line of that certain 7.00
4 acre tract and that certain 11.00 acre tract conveyed to Remington
5 Savings Association by deed recorded in Volume 9680, Page 744 of
6 said Deed Records; and the west line of that certain 70.31 acre
7 tract of land conveyed to Pflugerville 146 Joint Venture, for the
8 west line hereof, S28°50'00"W, at a distance of 2775.97 feet pass
9 the southeast corner of said 535 acre tract, being the northeast
10 corner of said 97.5 acre tract conveyed by said Volume 2470, Page
11 572, and continue in all a total distance of 3697.94 feet to a point
12 for the southeast corner hereof;
13 THENCE crossing said three (3) 97.5 acre tracts, for the south line
14 hereof, N64°04'00"W, at a distance of 2567.55 feet pass the
15 northeast corner of that certain 101.72 acre portion of that
16 certain 296.72 acre tract conveyed to Timmerman & Hagn, Ltd. by deed
17 recorded in Volume 8394, Page 544 of said Deed Records, being the
18 southeast corner of said 158.22 acre tract, and continue in all a
19 total distance of 5509.35 feet to a point in the Pflugerville
20 one-half (1/2) mile ETJ line, being the north line of that certain
21 71.67 acre tract of land conveyed to Lanier C. Bohls, et al, by deed
22 recorded in Volume 3951, Page 2106 of said Deed Records, for the
23 southwest corner hereof;
24 THENCE along said Pflugerville one-half (1/2) mile ETJ line, for
25 the west line hereof, the following three (3) courses:
26 (1) N29°10'00"E, 1180.12 feet to a Point of Curvature hereof;
27 (2) along the arc of a curve to the left having elements of delta=

1 2°44'00", radius= 8419.58 feet, arc= 401.66 feet, tangent= 200.87
2 feet, chord and chord bearing= 401.62 feet, N27°48'00"E, to the
3 Point of Tangency hereof;

4 (3) N26°26'00"E, 2617.63 feet to the POINT OF BEGINNING of the
5 herein described Parcel "A", containing 501.52 acres of land.

6 Parcel "B"

7 BEING 197.86 acres of land, and being a portion of the John Davis
8 Survey No. 13, Abstract No. 231, and being all of that certain
9 197.27 acre tract of land conveyed to Timmerman & Hagn, Ltd., by
10 deed recorded in Volume 8394, Page 542 of the Deed Records of Travis
11 County, Texas, and being more particularly described by metes and
12 bounds as follows;

13 BEGINNING FOR REFERENCE at a point being the intersection of the
14 east right-of-way line of F.M. 685 and the south right-of-way line
15 of Pfluger Lane; thence along said south right-of-way line, being
16 the north line of said 235 acre tract, S58°55'07"E, 4821.00 feet to a
17 point; thence crossing said right-of-way, N31°04'53"E, 60.00 feet
18 to a point being in the north right-of-way line of said Pfluger
19 Lane, being the southeast corner of that certain 193.85 acre tract
20 of land conveyed to Willard Pfluger, et ux, by deed recorded in
21 Volume 8317, Page 474 of said Deed Records, being the southwest
22 corner of said 197.27 acre tract, for the southwest corner and POINT
23 OF BEGINNING of the hereinafter described 197.86 acre Parcel "B";

24 THENCE departing said north right-of-way line of Pfluger Lane,
25 along the division line between said 193.85 acre tract and said
26 197.27 acre tract, for the west line hereof, N29°14'53"E, 3293.00
27 feet to a point in a lower north line of said 193.85 acre tract,

1 being the south line of that certain 50.795 acre tract of land
2 conveyed to Duane Kiihne, et ux, by deed recorded in Volume 8066,
3 Page 826 of said Deed Records, being the northwest corner of said
4 197.27 acre tract, for the northwest corner hereof;
5 THENCE along the south line of said 50.795 acre tract and the south
6 line of that certain 123.95 acre tract of land conveyed to Billy W.
7 Glenn, et ux, by deed recorded in Volume 8555, Page 901 of said Deed
8 Records, being the north line of said 197.27 acre tract, for the
9 north line hereof, S60°45'07"E, 2576.40 feet to a point in the west
10 line of that certain 107.40 acre tract of land conveyed to Lawrence
11 L. Pfluger, et al, by deed recorded in Volume 4349, Page 62 of said
12 Deed Records, being the southeast corner of said 123.95 acre tract,
13 also being the northeast corner of said 197.27 acre tract, for the
14 northeast corner hereof;
15 THENCE along the west line of said 107.40 acre tract and the west
16 line of that certain 50.00 acre tract of land conveyed to E.G.
17 Priesmeyer by deed recorded in Volume 8658, Page 823 of said Deed
18 Records, being the east line of said 197.27 acre tract, for the east
19 line hereof, the following three (3) courses:
20 (1) S29°14'53"W, 1583.00 feet to an angle point hereof;
21 (2) S07°14'53"W, 45.00 feet to an angle point hereof;
22 (3) S29°18'00"W, 1751.23 feet to a point in said north right-of-way
23 line of Pfluger Lane, being the southwest corner of said 50.00 acre
24 tract, being the southeast corner of said 197.27 acre tract, for the
25 southeast corner hereof;
26 THENCE along said north right-of-way line, being the south line of
27 said 197.27 acre tract, for the south line hereof, N58°55'07"W,

1 2593.00 feet to the POINT OF BEGINNING of the herein described
2 Parcel "B", containing 197.86 acres of land.

3 SECTION 3. The legislature finds that:

4 (1) proper and legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished by
9 the constitution and laws of this state, including the governor,
10 who has submitted the notice and Act to the Texas Commission on
11 Environmental Quality;

12 (2) the Texas Commission on Environmental Quality has
13 filed its recommendations relating to this Act with the governor,
14 lieutenant governor, and speaker of the house of representatives
15 within the required time;

16 (3) the general law relating to consent by political
17 subdivisions to the creation of districts with conservation,
18 reclamation, and road powers and the inclusion of land in those
19 districts has been complied with; and

20 (4) all requirements of the constitution and laws of
21 this state and the rules and procedures of the legislature with
22 respect to the notice, introduction, and passage of this Act have
23 been fulfilled and accomplished.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

S.B. No. 1836

1 Act takes effect September 1, 2005.